

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

---

DeJuan Haggins,

Case No. 21-CV-1315 (WMW/HB)

Petitioner,

v.

**REPORT AND RECOMMENDATION**

Renville Co. Jail Administrator,

Respondent.

---

Petitioner DeJuan Haggins did not pay the filing fee for this matter or submit an application to proceed *in forma pauperis* (“IFP”) upon commencing this action.

Immediately upon filing this action, Haggins was warned by the Clerk of Court that he would be required to submit the \$5.00 filing fee or apply for IFP status within 15 days, failing which the case could be summarily dismissed without prejudice for failure to prosecute. *See* ECF No. 2.

That deadline has now passed, and Haggins has not yet submitted the filing fee for this matter or applied for IFP status. In fact, Haggins has not communicated with the Court at all about this case since commencing this action. Accordingly, it is now recommended, in accordance with the Court’s prior communication, that this action be dismissed without prejudice under Rule 41(b) of the Federal Rules of Civil Procedure for failure to prosecute. *See Henderson v. Renaissance Grand Hotel*, 267 Fed. App’x 496, 497 (8th Cir. 2008) (per curiam) (“A district court has discretion to dismiss an action

under Rule 41(b) for a plaintiff's failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.").

### RECOMMENDATION

Based upon the foregoing, and on all of the files, records, and proceedings herein, IT IS HEREBY RECOMMENDED that this action be DISMISSED WITHOUT PREJUDICE under Fed. R. Civ. P. 41(b) for failure to prosecute.

Dated: June 22, 2021

s/Hildy Bowbeer

HILDY BOWBEER

United States Magistrate Judge

### NOTICE

**Filing Objections:** This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), "a party may file and serve specific written objections to a magistrate judge's proposed finding and recommendations within 14 days after being served a copy" of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. *See* Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).